



## Staff Report

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**To:** Planning & Zoning Commission  
**Prepared by:** Amy Tweeten, AICP, City Planner  
**Report:** June 16, 2022  
**Meeting:** June 21, 2022  
**Item:** PS22-0003: Roberson Pines Subdivision Preliminary Plat - Public Hearing

*Please Note: The Application and all materials related to this request are provided on the City's website at: [www.sandpointidaho.gov/PS21-0003](http://www.sandpointidaho.gov/PS21-0003)*

### 1) Introduction and Background

Hammack Construction Inc. represented by HMM Engineering has applied for preliminary approval to subdivide an approximately .98-acre site with a single residence, zoned RS Single-Family Residential, into 5 lots, ranging from 6,200 square feet to 8,800 square feet. The property is located on the east side of N. Boyer Rd. approximately 600' south of Schweitzer Cutoff Rd and surrounded by vacant land to the north, single family residential to the south and west and immediately to the east. The property is located within 300 feet of the Sandpoint Airport and within the Inner Critical Zone.

In 2005, the property (Lot 1, Block B) was platted with the adjacent 15-lot subdivision application, Grandview Estates. Prior to the 2005 plat, the property had been subdivided without City approval (non-conforming) and included an easement through it to provide access to the east two (2) lots. City Code requires that all lots front a public street; an access easement is non-conforming. Additionally, the recorded plat does not specify maintenance responsibility for the easement and the existing conditions do not meet the fire code.

The Applicant's current efforts to further subdivide Lot 1 of Block 5 provides an opportunity to bring the conditions into more conformance. The application was refined to provide access to the new lots in a manner that meets frontage requirements and fire code by providing a public right-of-way on the purely local drive that is currently a private easement. A public right-of-way provides law enforcement legal access to the property and helps provide lot owners confidence that their access will remain in perpetuity. Due to existing site conditions, the typical 60' wide right-of-way dedication was not viable. City codes provide that the width of a purely local drive may be substandard. A staff condition has been provided to mitigate maintenance challenges with the substandard width. The preliminary plat improves the conditions and conformity with City Code by providing sufficient width for emergency vehicles with legal access to enforce access requirements, standard-width sidewalks, and an easement for an emergency vehicle turnaround.

Preliminary plats set forth the basic information for the Planning & Zoning Commission and the City Council to determine if the proposed subdivision generally complies with the applicable requirements of the Sandpoint City Code. Upon approval of a preliminary plat by City Council, a permit for public infrastructure improvements may be issued and once complete/accepted, a final

plat may be approved by City Council and recorded. A final plat is necessary to create/sell new lots and no building permits may be issued prior to the final plat recording.

Figure 1 Site Location

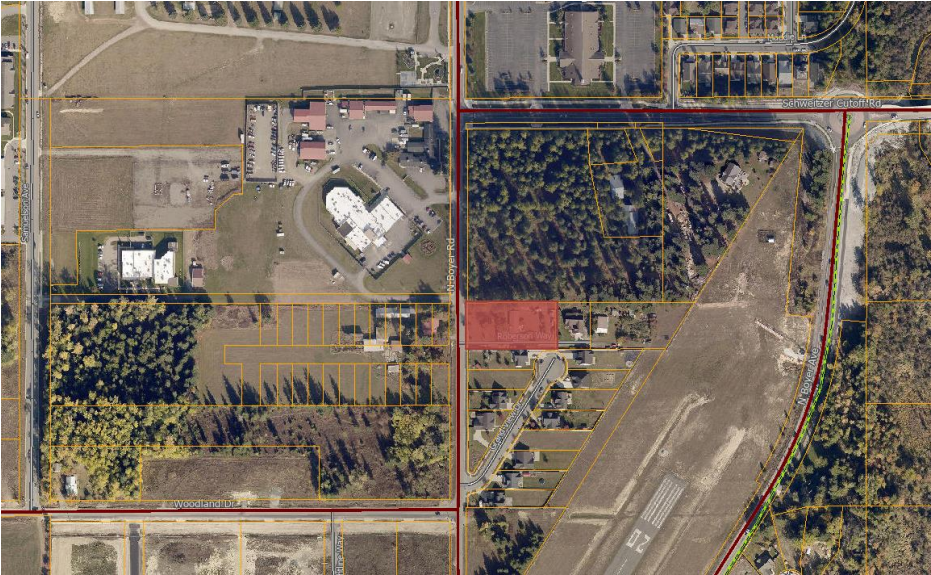


Figure 2 Zoning

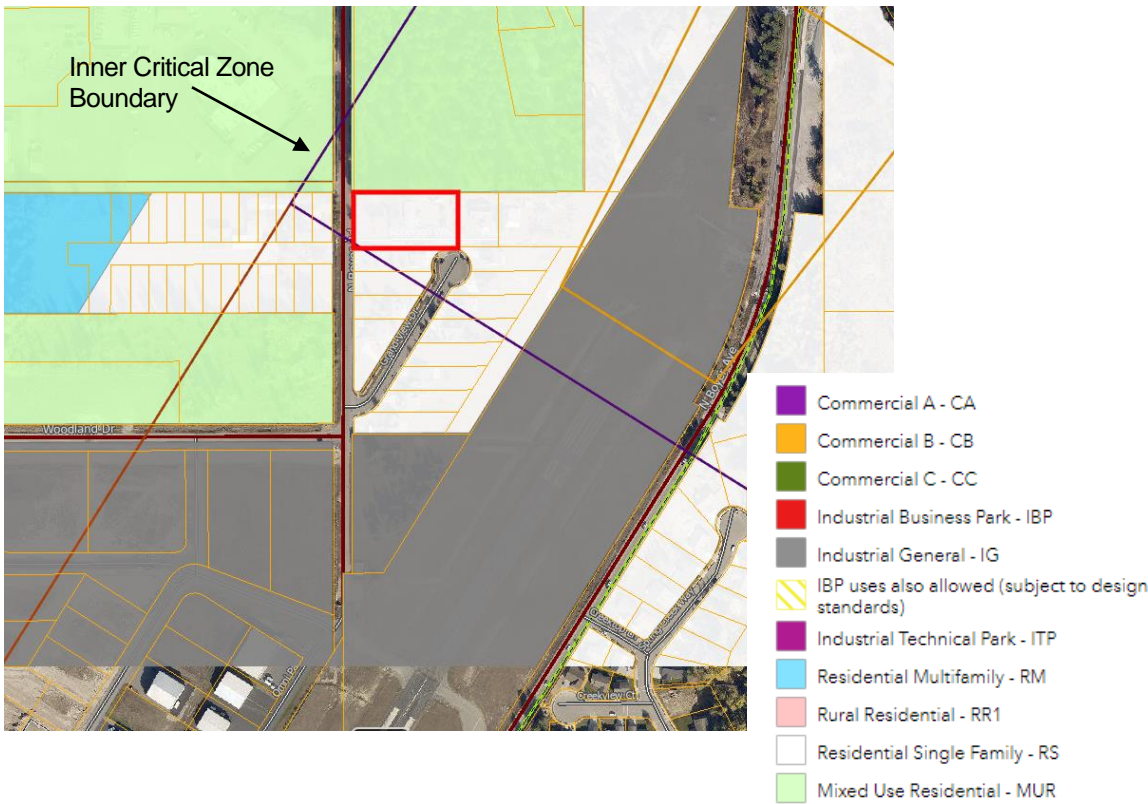


Figure 3 - Preliminary Plat

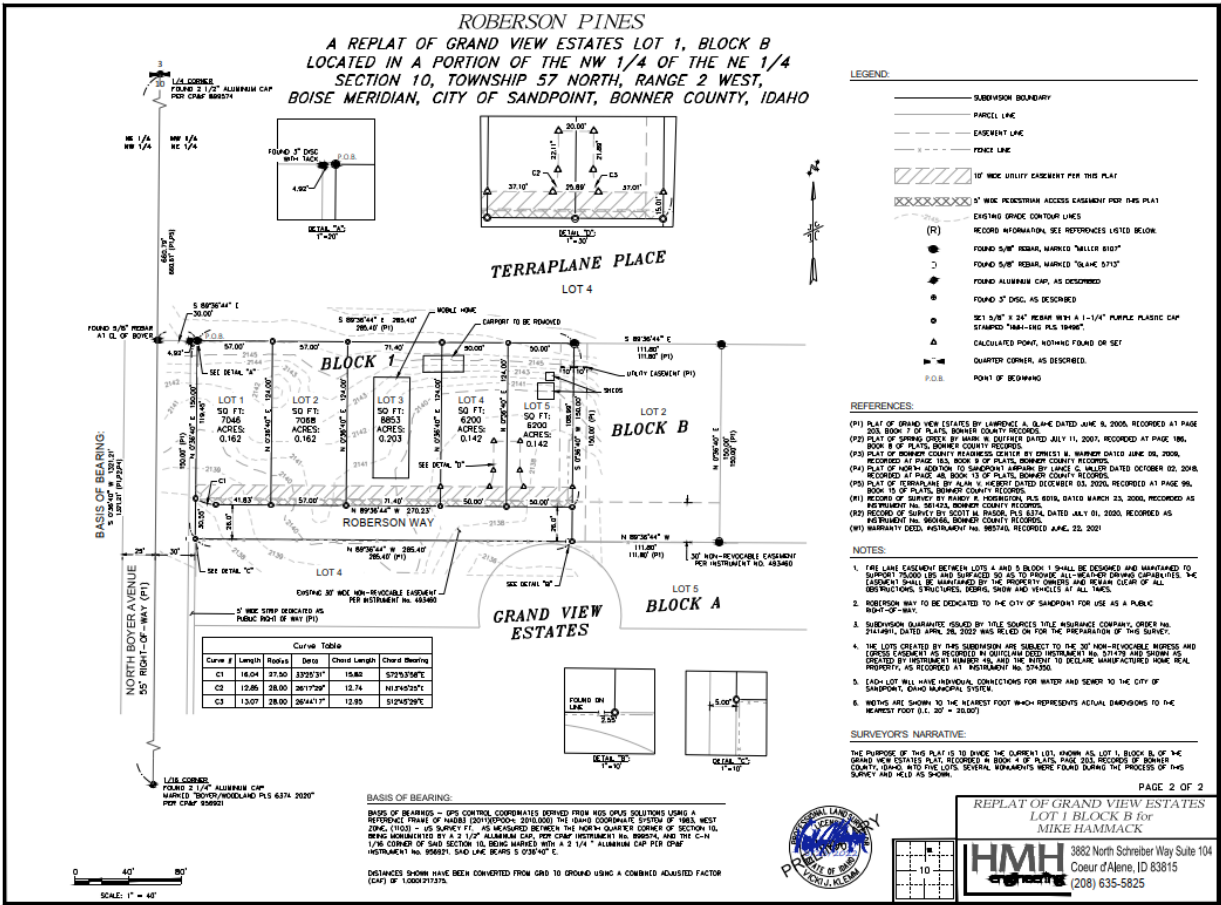


Figure 4 - Preliminary Plat Detail

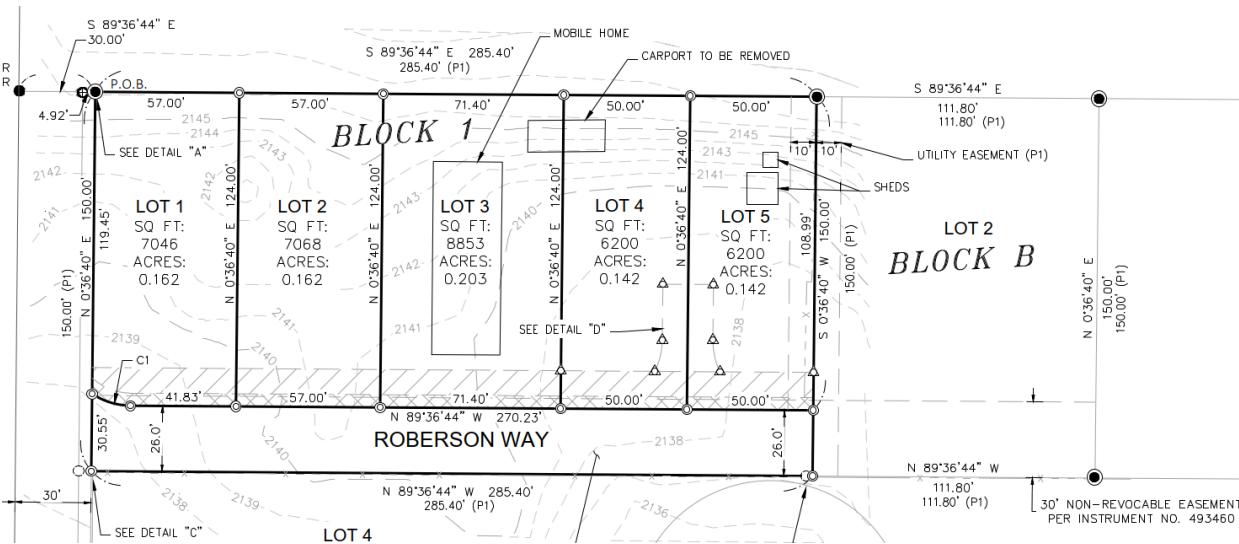
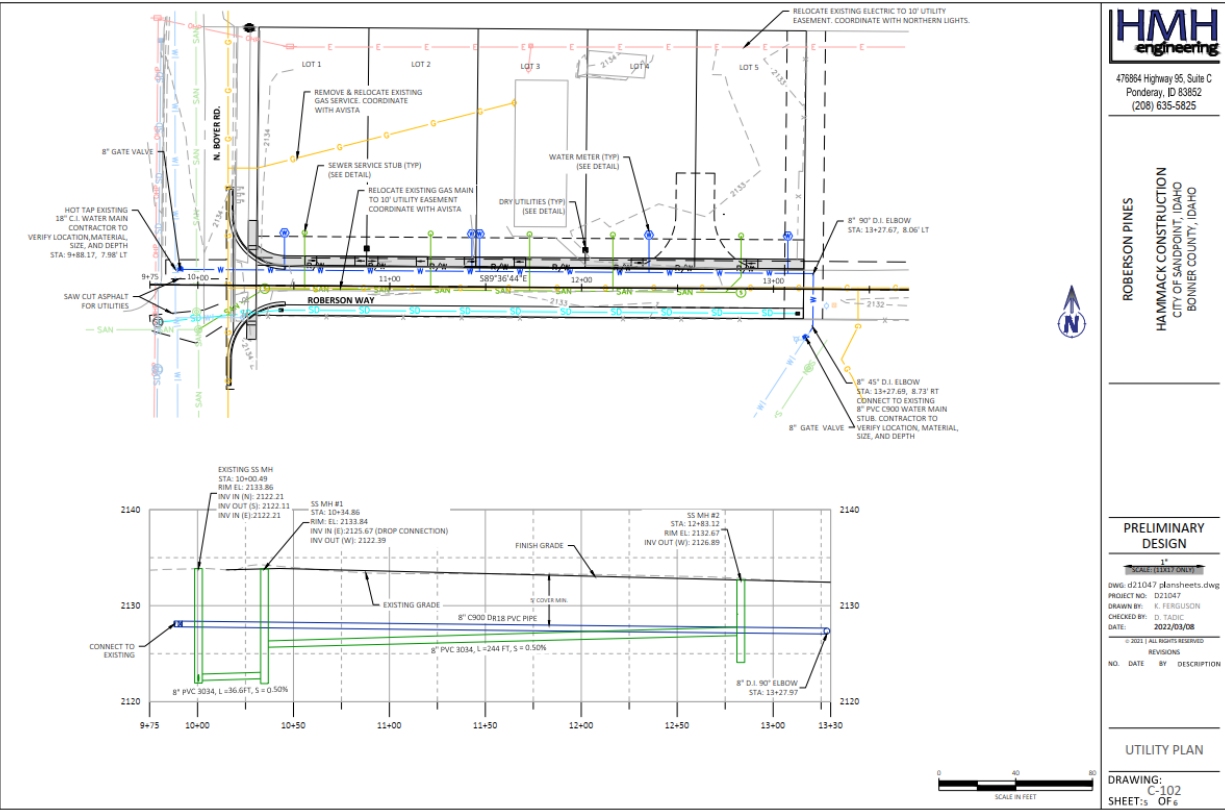
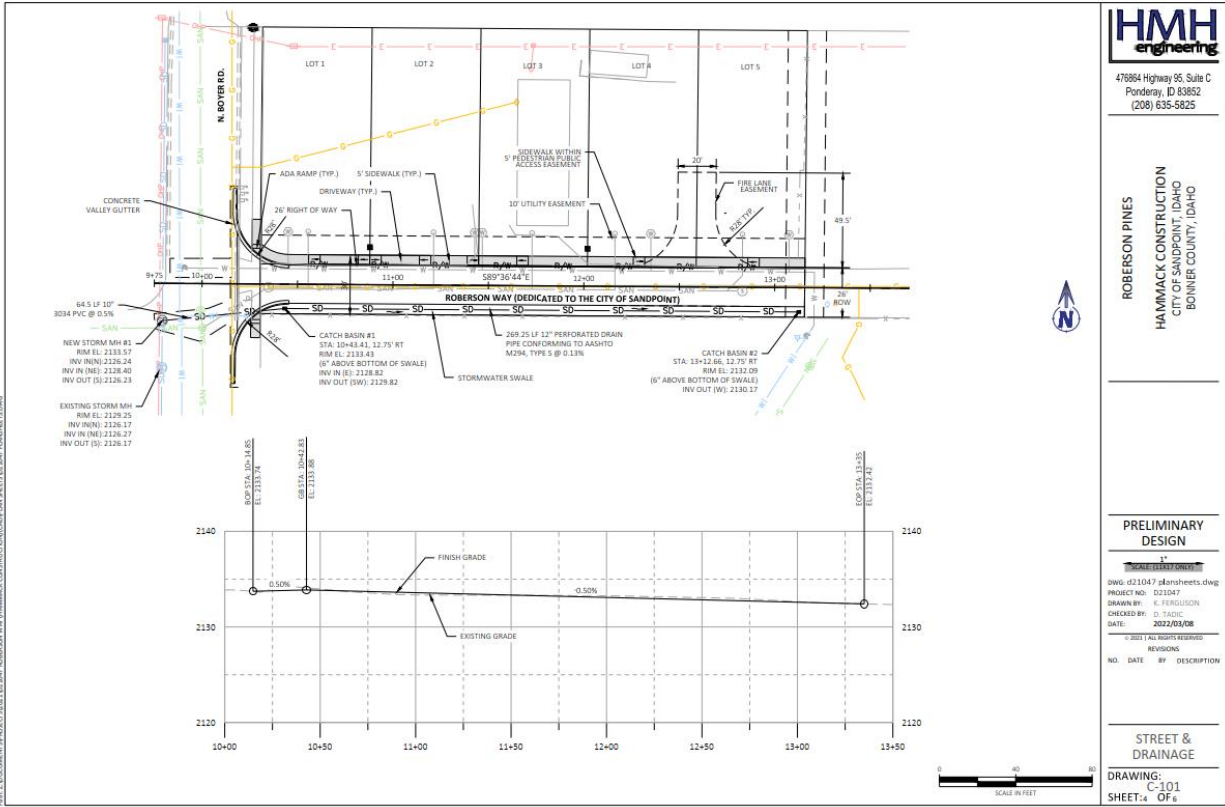




Figure 5 – Preliminary Improvement Plans



## 2) Agency Comments

Per Idaho Code and Sandpoint City Code, all applicable jurisdictions and agencies have been notified of the proposal including, but not limited to:

REVIEWING DEPARTMENTS & AGENCIES:				
City of Sandpoint	Local Agencies & Districts	State & Federal	Bonner County	Other
<input checked="" type="checkbox"/> Building <input checked="" type="checkbox"/> Fire Marshall <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> City Engineer <input checked="" type="checkbox"/> Operations	<input checked="" type="checkbox"/> Independent Highway District <input checked="" type="checkbox"/> Pend Oreille School District <input checked="" type="checkbox"/> Panhandle Health District <input checked="" type="checkbox"/> City of Dover <input checked="" type="checkbox"/> City of Ponderay	<input checked="" type="checkbox"/> ID Dept. Lands <input checked="" type="checkbox"/> Environmental Quality <input checked="" type="checkbox"/> ID Transportation Dept. (ITD) <input checked="" type="checkbox"/> USACE <input checked="" type="checkbox"/> ID Water Resources	<input checked="" type="checkbox"/> Surveyor <input checked="" type="checkbox"/> Sandpoint Airport <input checked="" type="checkbox"/> Planning <input checked="" type="checkbox"/> BC EMS <input checked="" type="checkbox"/> Commission	<input checked="" type="checkbox"/> Avista Utilities <input checked="" type="checkbox"/> Northern Lights <input checked="" type="checkbox"/> Various Utility/Service Providers <input checked="" type="checkbox"/> BNSF Railroad
X = Request for review/comments sent to department or agency.				

At the time of this report draft, the city has received two agency responses to the application. The Bonner County Assessor identified two minor edits and ITD responded with no comment.

## 3) Conformance with existing plans, policies, and regulations

### A. Multimodal Transportation Master Plan/Urban Area Transportation Plan

City Code, Title 10, Section 6 requires conformance with the Transportation Plan and provides that streets shall be designed in accordance with the development standards of the city of Sandpoint. The Multimodal Transportation Master Plan (MTMP) adopted in 2021 provides vision, goals and objectives against which developments can be evaluated. The Urban Area Transportation Plan (UATP) serves as the current standards, specific to access management and traffic analysis. The relevant goals and objectives and standards are noted below, with staff review **bolded**.

MTMP Goal 1. Provide a balanced approach to mobility.

Objectives:

- Limit the number of approaches onto collectors and arterials in order to minimize safety conflicts between modes and preserve the function of the multimodal corridor.
- Continue to require compliance with roadway access management standards as part of land use application approval process.

MTMP Goal 2. Provide a walkable and bikeable network throughout the community

Objective:

1. Continue to require development proposals to provide complete streets in a manner consistent with design standards, as applicable.

MTMP Goal 4. Support a resilient, livable and sustainable multimodal system

Objective:

2. Consider the long-term functionality and maintenance obligations when developing right-of-way design standards and through the subdivision approval process.

**The application conforms with the above goals by: utilizing the existing approach on N. Boyer Road, rather than providing additional approaches; new approaches are spaced in accordance with the UATP standards; and, providing a complete street design to include sidewalk, curb, and minimum roadway width. As permitted by City Code, the purely local drive does not meet the typical 60' width of a public right-of-way that is intended to provide sufficient storage for snow and accommodate City equipment; therefore, in support of Goal 4, a condition has been provided to require private maintenance of the new public street by way of a road maintenance agreement (to be recorded by referenced on the plat).**

Applicable appendices of the UATP are reviewed below.

- Appendix E, Developer Packet  
Provides a checklist for ensuring design coherence with urban area development standards.

**Complete compliance with the UATP will occur with engineering review and permits for construction.**

- Appendix G, Access Management Policy

Access management is the proactive management of vehicular access points to land parcels adjacent to all manner of roadways to promote safe and efficient use of the transportation system. This local policy is consistent with national engineering best practices.

#### **Approach Location**

Approaches shall be located so as not to create undue interference with, or hazard to, the free movement of normal street or pedestrian traffic, or cause areas of congestion.

#### **Approach Spacing**

Spacing standards limit the number of driveways on a roadway by mandating a minimum separation distance between driveways. This reduces the potential for collisions as motorist enter or exit the roadway and encourages joint access, where appropriate. Table G-4 provides the Minimum Intersection and Approach Spacing Requirements, specifying that driveways on a Collector street shall be a minimum of 150' apart and on Local (Residential) streets allows for access to each lot. The UATP also provides that the spacing between intersections shall be no less than 250'.

**Generally, all elements applicable to the preliminary plat appear to conform with Appendix G.**

- a. **Approach location – The location of the local interior street with N. Boyer Road is existing and will not change with this application. No additional approaches on the collector are proposed.**
- b. **Approach spacing – each lot will be served by an approach off the new public right-of-way (Roberson Way).**
- c. **The proposed subdivision is substantially compliant with the goals and objectives of Appendix G of the Urban Area Transportation Plan, providing pedestrian and vehicular access while minimizing access to N. Boyer Road.**

- Appendix H, Traffic Impact Study

**The applicant submitted a Traffic Generation and Distribution Letter that indicated the development will result in less than 50 peak hour trips and less than 300 daily trips. Therefore, per Title 10, a Traffic Impact Analysis (TIA) is not warranted.**

#### **C. Other Provisions (City Code Title 7)**

City Code, Title 7 provides various additional requirements related to utility and rights-of-way construction. Resolution 00-22 adopts a number of other manuals, standards, and specifications for public streets and rights-of-way. Conformance with these other provisions is thoroughly assessed during the construction permitting phase of the project whereby detailed engineered plans undergo a review process.

**Conformance with these other provisions is thoroughly assessed during the construction permitting phase of the project when detailed, engineered plans are reviewed.**

#### **D. Zoning (City Code, Title 9)**

Zoning code regulates uses, setbacks, lot sizes, required frontages along streets, and may also contain certain design standards for resulting development.

- Residential Single-family (RS) Zone

The Single-Family Zone is intended to preserve land for housing and to provide housing opportunities for individual households. The RS zone requires a minimum lot area of 5,000 SF and minimum frontage of 50'.

**All proposed residential lots conform to these standards. Building setbacks will be checked and enforced at the building permit stage of development, as will design standards regulating the location and orientation of windows, entrances, and garages.**

- Airport Overlay Zones

Title 9, Chapter 12 “Airport Overlay Zone District” provides for height restrictions in accordance with FAA standards as well as specific Airport *safety zones* to protect against aviation hazards and help ensure the future viability of the airport.

**Dimensional standards of the lots proposed are in accordance with the underlying zoning district. All lots fall within the Airport Inner Critical Zone, so Sandpoint City Code §9-12-5 (E) requires that a fair disclosure statement must be provided in order to notify applicant or prospective buyers that resulting subject properties may fall within the height restricted area in accordance with FAA standards and that residents may be “*exposed to potentially impactful levels of aircraft overflight, including but not limited to noise, vibration, fumes, dust, fuel or fuel particles, and other effects that may be caused by normal aircraft operations in and around airports.*” A plat note to this effect is required for all lots by the conditions of approval.**

#### D. Subdivision & Development Standards (City Code, Titles 10 & 11)

Subdivision code section 10-1-6 regulates the required public improvements to serve a development, including the overall layout of blocks, streets, pathways, the provision of utilities, design standards and general procedures. The following table provides a snapshot of conformance to certain standards typically evaluated at the preliminary plat stage:

Right of Way Width	Purely local drive allows for reduced ROW width (see additional analysis below and required conditions of approval)
Transportation Plan Conformance	Yes
Right of Way Adjoining Undeveloped Property	Yes
16' Alley width	N/A
Block Length	Existing; Yes (285')
Street Arrangement:	Yes
Double Frontage Lots	Yes
Public Utility Easement:	Yes
Property Corners	Yes
Curb Corners	Yes
5% Street Grade maximum	Yes
Parks, playgrounds & schools considered	No Comment from LPOSD.
Traffic Analysis	Yes; not required.
Private Streets	N/A - public street; privately maintained – see conditions
Interconnection/Street Intersections	Yes



Stormwater Management Ordinance	Yes; conceptual engineering appears to be compliant; complete code review of Title 11, Chapter 3 to be provided prior to issuance of a construction permit.
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a. Right-Of-Way Width:

According to Title 10, Section 1-6-A(1), Sandpoint City Code “The minimum right-of-way width for any residential street shall be sixty feet (60’), except for purely local drives or areas with difficult topography.”

**The existing access (Roberson Way) to the eastern lots is located on the subject property and is provided by a 30’ easement recorded in 1996. The existing condition of the access is similar to a shared driveway, except it is not constructed in accordance with City standards that are intended to ensure safe and maintainable access for property owners, as well as emergency services, mail delivery services, etc. City Code does not permit private streets, primarily because enforcement of law on private property is limited. For example, law enforcement may not cite a vehicle for blocking access on a private street and the City has no authority to require it be maintained in the winter to provide access in the event of a fire. As a result, dedication of public right-of-way is in the public and property owner’s best interest, as reflected on the preliminary plat.**

**The proposed paved width meets fire code. A full 60’ wide right-of-way is not viable as it would result unbuildable lots due to the dimensions of the existing lot and the location of the existing single-family dwelling. Absent the full 60’ width, snow storage and pedestrian access on private property by way of an easement is required. While the reduced right-of-way width is not ideal, the new public access substantially improves the existing non-conforming conditions, specifically, enabling legal and safe access. See the proposed conditions related to a road maintenance agreement, signage (no parking), and fire apparatus easement/turn-around.**

b. Street Arrangement / Interconnection

Per Title 10 of Sandpoint City Code, *“The arrangement of streets in new subdivisions or other development shall make provision for the direct continuation of the principal existing streets in adjoining subdivisions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements...”* Additionally, *“Public and private streets, wherever possible, shall provide interconnection with other streets.”*

**Given the configuration of the property and the existing zoning in the area, the proposed layout is efficient and the least impactful to the transportation system and property oriented when considering the likely future development patterns in the area. Direct lot access to N. Boyer Road will be prohibited by the conditions of approval. Connection to Grandview Drive would require additional right-of-way dedication by private property owners; absent a request to subdivide, the City is not in a position to require dedication without compensation. In the**

**event Lots 2 and 3 of Block B apply for a subdivision, the City intends to require extension of public dedication in a manner similar to this application.**

#### **IV. Draft Conditions of Approval**

Based upon the requirements of City Code relative to preliminary plats, the following conditions shall be included in any motion to approve:

1. A signed and notarized Fair Disclosure Statement shall be recorded for all lots within the subdivision pertaining to the Inner Critical Zone in accordance with Sandpoint City Code §9-12-5 (E).
2. Add note on plat referencing Fair Disclosure Statement.
3. A road maintenance agreement shall be accepted by the City and referenced on the final plat for the public right-of-way and include provisions for snow removal and signage to preclude on-street parking.
4. Final plat shall include a note prohibiting additional lot access to N. Boyer Rd.
5. A Development Agreement shall be provided to City Council for approval and recorded prior to issuance of a construction permit providing terms and conditions required for public improvements
6. Amend the right-of-way dedication note to omit "City" and to add "privately maintained."
7. Omit the note/leader referencing the easement along the section that is publicly dedicated.

## V. Action

Per Sandpoint City Code §9-9-5, notice has been provided to property owners within 300 feet of the parcel boundaries on which the proposal is being considered. Notice has also been posted at the site 7 days in advance of the hearing and a summary has been provided in the official newspaper of general circulation 21 days prior to the hearing date.

Following public testimony and subsequent deliberations, the Planning & Zoning Commission may take one of the following actions in accordance with Sandpoint City Code §9-9-9 (A):

- I. Make a recommendation to the city council at the first regular council meeting following the planning commission's hearing. The recommendation shall state specifically on what grounds or statutes said recommendation is based.
- II. Postpone consideration of the application to consult with its advisors and staff to make a recommendation to the city council within forty (40) days after such hearing.

## VI. Application History

<b>4/15/2022</b>	<b>Application Submittal</b>
<b>5/23/2022</b>	<b>Application Complete</b>
<b>5/24/2022</b>	<b>Notice to applicant of next available public hearing date</b>
<b>5/31/2022</b>	<b>Hearing Notice published and mailed to property owners within 300 feet</b>
<b>6/14/2022</b>	<b>Hearing Notice posted on site</b>
<b>6/21/2022</b>	<b>Planning and Zoning Commission Hearing</b>

## VII. Attachments

1. Subdivision Application, Narrative and General Information
2. Preliminary Plat
3. Preliminary Improvement Plans
4. Trip Generation and Distribution Letter and Review
5. Required Public Notices
6. Sample Fair Disclosure Statement
7. Written Comments Received Prior to Agenda Posting